

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

JEFFREY C. CURTIS,)	
)	
)	
Plaintiff,)	
)	
vs.)	Case No.: 13-CV-067-KEW
)	
MDOW INSURANCE COMPANY,)	
)	
Defendant.)	

NOTICE OF REMOVAL

COMES NOW, DEFENDANT MDOW INSURANCE COMPANY (“MDOW Insurance”), pursuant to 28 U.S.C. § 1441 *et seq.*, gives notice of the removal of this action from the District Court for Choctaw County, Oklahoma, to the United States District Court for the Eastern District of Oklahoma. Removal jurisdiction based upon diversity of citizenship, 28 U.S.C. § 1332, is founded on the following:

1. This lawsuit is a civil action within the meaning of the Acts of Congress relating to removal of cases.
2. This case, styled *Jeffrey C. Curtis v. MDOW Insurance Company*, was filed on October 31, 2011, in the District Court for Choctaw County, Oklahoma, No. CJ-2011-90.
3. The summons was mailed to MDOW Insurance Company on January 22, 2013 and provided for an Answer date of February 14, 2013.
4. Plaintiff is an Oklahoma resident. Defendant MDOW is a Texas resident with its principal place of business in Houston, Texas. Therefore, complete diversity exists between the parties to this case.

5. In addition to complete diversity existing, the matter in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs, establishing this case is properly removed pursuant to 28 U.S.C. §§ 1332, 1441 and 1446. Specifically, Plaintiff alleges damages in excess of \$75,000.00, exclusive of interest, attorney fees and costs. See Plaintiff's Petition, Ex. 1.

6. The United States District Court for the Eastern District of Oklahoma is the appropriate court for filing a Notice of Removal from the State Court where Plaintiff's State Court Action is pending, and accordingly, MDOW Insurance seeks to remove the State Court Action to the this Court.

7. Pursuant to 28 U.S.C. § 1446 and LCvR 81.2, a certified copy of the docket sheet and a copy of all documents filed and/or served in the District Court of Choctaw County, Case No. CJ-2011-90 are attached hereto as Exhibits 1, 2, and 3.

8. Under the provisions of 28 U.S.C. §§ 1441, and all other applicable statutes, all of which Defendant MDOW has complied with, this cause of action is removable to the United States District Court for the Eastern District of Oklahoma.

9. Copies of the Summons and Petition are attached hereto, these constituting all process, pleadings, and orders served upon Defendant MDOW Insurance.

10. Undersigned counsel states this removal is well grounded in fact, warranted by existing law, and not interposed for any improper purpose.

WHEREFORE, Defendant MDOW Insurance Company gives notice of the removal of this cause to this Court from the District Court for Choctaw County, Oklahoma.

Respectfully submitted,

s/Kevin H. Cunningham

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Attorneys for Defendant MDOW Insurance

CERTIFICATE OF SERVICE

I hereby certify that on February 12, 2013, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing and also sent a copy of the document and attachments to:

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/s Kevin H. Cunningham